

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 99-508

September 14, 1999

FAIRPOINT COMMUNICATIONS CORP.
D/B/A/ FAIRPOINT COMMUNICATIONS
Petition to Amend Scope of Authority
To Authorize the Furnishing of Facilities-Based
Local Exchange Service in the Waterville and
Augusta Exchanges of Bell Atlantic-Maine

ORDER APPROVING
ADDITIONAL LOCAL
EXCHANGE SERVICE
TERRITORY

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

On July 16, 1999, Fairpoint Communications Corp. d/b/a Fairpoint Communications (Fairpoint) filed a petition to expand its service territory for facilities-based local exchange service to areas beyond those authorized in our order granting authority to provide service in Docket No. 99-180.

On March 30, 1999, in Docket No. 99-187, the Commission delegated to the Director of Technical Analysis the authority under 35-A M.R.S.A. §§ 2102 and 2105 to approve service territory changes by local exchange carriers.

For local exchange carriers (LECs) seeking to provide facilities-based local exchange service, the Director must initially make a determination that a LEC has made a reasonable showing that it will be providing facilities-based service to the area in question in the near future.

Pursuant to the Delegation Order in Docket No. 99-187 (and a prior Order in Docket No. 97-028) the Director may also approve changes in terms and conditions filed by local exchange carriers. LECs have traditionally described their service territories in their terms and conditions and Fairpoint has filed a revised term and condition.

The Commission staff has reviewed the plans of Fairpoint and has determined that it has made a reasonable showing that it will be providing service in the areas listed in the ordering paragraphs below.

Accordingly,

1. I FIND, pursuant to 35-A M.R.S.A. §§ 2102 and 2105, that the public convenience and necessity requires the provision of additional facilities-based local exchange service in the areas listed below, also served by other telephone utilities, and hereby AUTHORIZE Fairpoint Communications Corp. to provide facilities-based local exchange service in the areas defined as the Waterville, Augusta and Bangor

exchanges of New England Telephone and Telegraph Company d/b/a Bell Atlantic-Maine; and

2. I APPROVE the revised terms and conditions of Fairpoint Communications Corp., consisting of Pages 2, 1st Revision and 4, 1st Revision (attached hereto), filed on September 9, 1999.

Dated at Augusta, Maine, this 14th day of September, 1999.

BY ORDER OF THE ACTING DIRECTOR OF
TECHNICAL ANALYSIS

Faith Huntington
Acting Director of Technical Analysis

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.